

Review the instructions on the reverse side before completing this form. Use this form to appeal an adjudicating officer's decision issued on or after March 18, 2001.

State of Michigan
Department of Civil Service
EMPLOYMENT RELATIONS BOARD
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CLAIM OF APPEAL AS OF RIGHT TO THE EMPLOYMENT RELATIONS BOARD

Part A — CASE NAME

DECISION NUMBER

REFERENCE NUMBER

Part B — ELIGIBILITY. I am filing a claim of appeal as of right in accordance with the Civil Service Commission Rules, Chapter 8-7.2(a) and (b), as:

- ☐ An employee with status aggrieved by a final decision of an adjudicating officer upholding the employee's dismissal for just cause.
- ☐ An appointing authority aggrieved by a final decision of an adjudicating officer reinstating an employee dismissed for just cause by the appointing authority. **NOTE:** As a condition of this claim of appeal, the appointing authority must comply with the requirements of Civil Service Commission Rule 8-2.6 and either temporarily reinstate the grievant according to the terms of the Hearing Officer's decision or temporarily restore the grievant's base pay and benefits as of the date of this claim of appeal.

Part C — Indicate who is submitting the claim of appeal as of right and provide the Appellant information requested. If there is more than one Appellant, attach additional sheets providing the name, mailing address, and telephone number for each additional Appellant. If there is an Authorized Representative, also provide the information requested. (See instructions.)

☐ Appellant

☐ Appellant's Authorized Representative

APPELLANT'S NAME (Please print)

REPRESENTATIVE'S NAME (Please print)

EMPLOYEE IDENTIFICATION NUMBER (If applicable)

ORGANIZATION

STREET ADDRESS/P.O. BOX

STREET ADDRESS/P.O. BOX

CITY

CITY

STATE

ZIP

STATE

ZIP

TELEPHONE NUMBER

TELEPHONE NUMBER

FAX NUMBER

E-MAIL ADDRESS (If applicable)

E-MAIL ADDRESS (If applicable)

Signature of Appellant or Representative

DATE

**INSTRUCTIONS FOR COMPLETING
CLAIM OF APPEAL AS OF RIGHT TO THE EMPLOYMENT RELATIONS BOARD
(for adjudicating officer decisions issued on or after March 18, 2001)**

This form is intended to help parties correctly submit a claim of appeal as of right authorized by the Civil Service Commission Rules, Chapter 8-7.2(a) and (b). An employee with status who was dismissed for just cause may appeal as of right from a final decision of an adjudicating officer upholding the dismissal. An appointing authority that dismissed an employee for just cause may appeal as of right from a final decision of an adjudicating officer reinstating the employee. However, as a condition of further appeal, an appointing authority shall either reinstate the grievant or restore the grievant's base pay and benefits as of the date of the claim of appeal. See Civil Service Commission Rule 8-2.6(b); Civil Service Regulation 8.01, §5.16; and Civil Service Regulation 8.05, §4(l)(1.c).

Do not use this form to file an application for leave to appeal — use Form CS-1743, *Application for Leave to Appeal to the Employment Relations Board*.

Civil Service Regulation 8.05, *Employment Relations Board Appeal Procedures*, establishes standards and procedures to be used when appealing a decision of an adjudicating officer to the Civil Service Commission through the Employment Relations Board (Board). Appellants should read Civil Service Regulation 8.05 before submitting an appeal.

If a Civil Service hearing officer issued the decision on appeal, the Board will obtain the record for the case and make the record available to the parties for inspection and copying. If an arbitrator issued the decision on appeal, the Appellant must submit a copy of the arbitration decision with the claim of appeal as of right and certify that the record has been ordered. After receiving the claim of appeal as of right and record, the Board will notify the parties of the schedule for briefs and oral arguments. The Board will not consider new evidence except upon prior written request showing a legally sufficient reason and prior notice to all parties.

Deadline — The original claim of appeal as of right and 6 complete copies must be **received** in the Board office within twenty-eight (28) calendar days of the **mailing date** of the adjudicating officer's final decision. The Board may dismiss a late claim of appeal as of right unless a motion showing good cause or special extenuating circumstances for the delayed filing is attached to the claim of appeal as of right. Civil Service Regulation 8.06, *Computing Time and Filing Documents*, should also be referenced for filing requirements.

1. **Part A** — Enter the Case Name, Decision Number (such as, HERM 2000-001 or TRN 2000-002), and the Reference Number. (See the front page of the adjudicating officer's decision for this information.)
2. **Part B** — Check the appropriate box that describes your eligibility to file a claim of appeal as of right. (See Civil Service Regulation 8.05, 4.C.)
3. **Part C** — Indicate whether the person submitting the claim of appeal as of right is the Appellant or a Representative authorized to represent the Appellant. The person submitting the claim of appeal as of right must sign, date, and provide all information requested. If there is more than one Appellant, an authorized representative may sign on behalf of the group and provide the group members' names, mailing addresses, and telephone numbers on an attached sheet.
4. **Make copies of the claim of appeal as of right and any attachments.** Forward a copy of the claim of appeal as of right and any attachments to the other parties, including any interested parties participating in the adjudication process. Retain a copy for your records. Send the original claim of appeal as of right and 6 complete copies to the Employment Relations Board, at the address on the front of this form, along with a completed proof of service form (CS-1740) or a statement showing the names and addresses of those served, the documents served, the date served, and the manner of service. Not serving all the other parties and not providing proof of service to the Board may nullify the claim of appeal as of right. If a fax or e-mail transmission is used to fulfill the time requirement, the Board must receive the original and 6 complete copies of the signed claim of appeal as of right within 7 calendar days.

All parties will be notified in writing of the Board's recommended (or final) decision after hearing oral arguments of the parties.

A copy of Civil Service Regulation 8.05, *Employment Relations Board Appeal Procedures*, and the proof of service form (CS-1740) are available on the Civil Service Web site www.michigan.gov/mdcs or from the Board office. The Civil Service Commission Rules are available on the Civil Service Web site, from the appointing authority, or by ordering it from the Department of Management and Budget Print and Graphic Services.